

RESOLUTION NO. A-\_\_\_\_\_

WHEREAS, Richard L. Garcia (Owner) has submitted the Administrative Final Plat of West Haven Addition to the Planning Director for approval; and

WHEREAS, the Owner has requested a modification of the Land Subdivision Ordinance to waive the installation of the sidewalk and street tree requirements and the community water and wastewater system requirements pursuant to ' 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of all the subdivision requirements would result in actual difficulties or substantial hardship or injustice.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

That the following modifications to the subdivision requirements be and the same are hereby approved:

a. The requirement of ' 26.27.020 of the Land Subdivision Ordinance requiring that sidewalks be installed on both sides of all streets within the subdivision and on the side of the streets abutting the subdivision is hereby waived along West Adams Street abutting West Haven Addition provided the Owner agrees not to object to the installation of sidewalks when ordered by the City Council.

b. The requirement of ' 26.27.090 of the Land Subdivision Ordinance

requiring trees be planted along both sides of all streets and private roadways within the subdivision and on the side of the streets and private roadways which abut the subdivision is hereby waived along West Adams Street; provided that owner acknowledges and agrees that any future urban type development of the property will require the installation of street trees.

c. The requirements of ' 26.27.030 and 26.27.040 of the Land Subdivision Ordinance requiring that all subdivisions within the future urban area designated in the comprehensive plan shall have a community water and wastewater collection system constructed in accordance with the design standards of the City is hereby waived; provided that Owner acknowledges that future development in the area may require construction of a water distribution system and wastewater collection system to serve the property and Owner agrees not to object to the creation of special assessment districts for said construction.

BE IT FURTHER RESOLVED that the Administrative Final Plat of West Haven Addition shall not be filed for record or recorded in the office of the Register of Deeds of Lancaster County and no lot shall be sold from this Administrative Final Plat unless or until said Owner shall enter into a written agreement with the City which shall provide for the above agreement by Owner with respect to the conditional waiver of the improvements herein granted.

All other conditions for approval of the Administrative Final Plat shall remain in full force and effect.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant